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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 United States of America,
9 Plaintiff,
10 vs.
11 Joy Doreen Watson,
12 Defendant.

No. 08-CR-00258-PHX-SRB

**Joint Recommendation for *Sua Sponte*
Reduction of Sentence Under 18 U.S.C.
§ 3582(c)(2) Based on Amendment 782
to the U.S. Sentencing Guidelines**

13 On April 4, 2016, this Court appointed CJA attorney Ashley Traher to review this case
14 for possible eligibility for the sentence reduction that has been made available based on a
15 retroactive application of Amendment 782 to the U.S. Sentencing Guidelines.¹ Defense counsel
16 and the United States Attorney have met and conferred regarding Ms. Watson's eligibility for
17 the sentence reduction and the extent of such a reduction. The parties now jointly recommend
18 that the Court should, in the exercise of its *sua sponte* powers under 18 U.S.C. § 3582(c)(2),
19 reduce Ms. Watson's sentence to 174 months.

20 **Eligibility for the Sentence Reduction**

- 21 1. Ms. Watson was convicted at trial² of one count of Conspiracy to Possess with Intent to
22 Distribute 100 Kilograms of Marijuana or More, in violation of 21 U.S.C. § 841(a)(1),
23 (b)(1)(B(vii), and 846; one count Possession with Intent to Distribute 100 Kilograms of
24 Marijuana or More, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B(vii), and 846; and

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28 ¹ Dkt. #770.

2 ² Dkt. #448.

3 2. According to the presentence report, Ms. Watson was held responsible for possessing
4 6,393 kilograms of marijuana. That quantity of cocaine base produced a base offense
5 level of 36.⁴ After a 2-level upward adjustment for a conviction under 18 U.S.C. § 1956
6 and a 2-level upward adjustment for an offense involving sophisticated money
7 laundering,⁵ and then a 4-level upward adjustment for being an organizer, leader, or
8 supervisor in laundering money from drug trafficking proceeds,⁶ the presentence report
9 writer calculated Ms. Watson's total offense level was 44. The presentence report placed
10 her in Criminal History Category II.⁷

11 3. At the sentencing hearing held on August 10, 2009, the court found the defendant had
12 only an offense level 36, with a criminal history category II. The court found that her
13 guideline range was 210-262 months, and sentenced him to 216 months, which was 6
14 months higher than the bottom of the applicable guideline range.

15 4. On November 1, 2014, two amendments to the U.S. Sentencing Guidelines took effect.
16 Amendment 782 reduced the base offense level for most drug crimes by 2 levels,
17 including the crime involved here. Amendment 788 made Amendment 782 retroactive to
18 cases with otherwise final sentences, thus allowing defendants like Ms. Watson to take
19 advantage of the reduction under 18 U.S.C. § 3582(c)(2).

20 5. The Court should now consider exercising its *sua sponte* authority under § 3582(c)(2) to
21 award Ms. Watson a sentence reduction based on the retroactive application of
22 Amendment 782 to the Guidelines.

20 |³ Dkt. #604.

27 | ⁴ PSR ¶ 38.

⁵ PSR ¶ 39 and 40.

28 |⁶ PSR ¶ 39.
PSR ¶ 42.

PSR ¶ 42.
PSR ¶ 55.

Terms of Sentence Reduction

- 2 6. Because Ms. Watson’s sentence is “based on a sentencing range that has subsequently
3 been lowered by the Sentencing Commission,” she is eligible under § 3582(c)(2) for a
4 sentence reduction based on the retroactive application of Amendment 782. Moreover,
5 the reduction described here would be “consistent with applicable policy statements
6 issued by the Sentencing Commission” as required by § 3582(c)(2).

7 7. After applying the 2-level reduction in the base offense level and leaving all other
8 Guidelines application decisions unaffected, Ms. Watson’s total offense level is now 34.
9 In Criminal History Category II, this yields an amended Guidelines range under
10 U.S.S.G. § 1B1.10(b)(1) of 168-210 months.

11 8. On August 10, 209, Ms. Watson was sentenced to 216 months in prison. Under 18
12 U.S.C. § 3585(b)(1), she received 509 days’ presentence incarceration credit. Without
13 any other credits toward her current sentence, Ms. Watson should be released from
14 prison on October 26, 2024. If she had been sentenced to 174 months’ imprisonment,
15 that release date would be April 28, 2021.

16 9. Amendment 788, which directed that Amendment 782 should also apply retroactively,
17 also imposed a special limitation on sentence reductions based on Amendment 782.
18 “The court shall not order a reduced term of imprisonment based on Amendment 782
19 unless the effective date of the court’s order is November 1, 2015, or later.”⁸ In light of
20 this special limitation and the estimates set forth in paragraph 8, above, the parties
21 recommend that this Court should, in the exercise of its *sua sponte* authority under
22 § 3582(c)(2), enter an order reducing Ms. Watson’s sentence to **174 months**.

23 10. The parties have met and conferred about Ms. Watson’s conduct in prison since this
24 Court imposed sentence. Based on this discussion, the parties believe that reducing Ms.
25 Watson’s sentence in accordance with this stipulation would not pose a danger to the
26 community or to any person.

⁸ U.S.S.G. § 1B1.10(e)(1) (2014).

1 RESPECTFULLY SUBMITTED this 16th day of May, 2016.

2 By /s Ashley Andrade Traher

3 Ashley Andrade Traher
4 Attorney for Defendant

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6 I hereby certify that on May 16, 2016

7 I electronically transmitted the attached
8 document to the Clerk's Office using the
9 CM/ECF system for filing and transmittal
of a Notice of Electronic Filing to the following
CM/ECT registrants:

10 Honorable Susan R. Bolton
Jennifer Green, Assistant U.S. Attorney

11

12 Courtesy copy of draft order e-mailed to:

13 Honorable Susan R. Bolton
Bolton_chambers@azd.uscourts.gov

14 Glenn McCormick, Assistant U.S. Attorney
Glenn.McCormick@usdoj.gov

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18 /s Ashley Andrade Traher
Ashley Andrade Traher
19 Attorney for Defendant

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